



# UNITED STATES PATENT AND TRADEMARK OFFICE

BS  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,813	01/31/2002	James Armand Baldwin	MSI-1011US	1857
22801	7590	12/22/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			GILLIS, BRIAN J	
		ART UNIT	PAPER NUMBER	2141
DATE MAILED: 12/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/061,813

**Applicant(s)**

BALDWIN ET AL.

**Examiner**

Brian J. Gillis

**Art Unit**

2141

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 29 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b)  They raise the issue of new matter (see NOTE below);  
 (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-26.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
 13.  Other: \_\_\_\_\_.

Continuation of 3. NOTE: The additional limitations of claims 4, 9, 18, 21, and 24 into claims 1, 8, 17, 20, and 22 would add additional limitations to dependent claims 2, 3, 5-7, 10-13, 19, 23, 25, and 26 which would require further search and consideration.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed November 29, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation can be found in paragraph 21 of Rodriguez.

Claim 14 discloses a computer-readable medium comprising computer-executable instructions that, when executed, direct a computing system to: sort program data for an electronic program guide according to stopped names of program titles; and store the program data in a data structure for delivery to a remote client. Rodriguez et al teaches of sorting program data according to the title name in the title field and storing the program data in an EPG database for delivery to a remote client (paragraphs 21, 32, 73, 90, and 91). It fails to teach of sorting the name in the title field as a form of a stopped name version. The stopped name version of the program name can be interpreted as a version of the title stored in memory available based on display limitations. At the time of the invention it would have been obvious to a person of ordinary skill in the art to sort the records according to the name in the title field in order to coalesce program data sets into one and to organize it into a format suitable for reception and interpretation by the EPG application running on the digital home communication terminal.

Claim 16 discloses a data structure stored on a computer-readable medium, comprising: multiple tables to store program data for use in an electronic program guide; the tables comprising program tables composed of records with programming information, the program tables having a title field to hold program titles; and the records of the program tables being sorted by stopped name versions of the program titles. Rodriguez et al teaches of storing program data for an EPG in a digital broadband delivery system (DBDS), presenting program data in a channel-time grid which contains multiple records, multiple sets of tables which contains multiple data fields, and each table corresponding to its respective channel in the channel line-up (paragraphs 21, 32, 73, 91, 93, 116, and 117). Rodriguez et al further teaches of sorting program data according to the title name in the title field and storing the program data in an EPG database for delivery to a remote client (paragraphs 21, 32, 73, 90, and 91). It fails to teach of sorting the name in the title field as a form of a stopped name version. The stopped name version of the program name can be interpreted as a version of the title stored in memory available based on display limitations. At the time of the invention it would have been obvious to a person of ordinary skill in the art to sort the records according to the name in the title field in order to coalesce program data sets into one and to organize it into a format suitable for reception and interpretation by the EPG application running on the digital home communication terminal.



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER